

# Human Rights Legal Support Centre

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## Annual Report 2009-2010

June 21, 2010

Last week I was  
excited to hear I might  
get a promotion. Today I  
found out a coworker  
got it instead.  
When I asked my boss  
the reason why, he told  
me my accent  
wasn't "Canadian"  
enough.

Rewrite your story.



The Human Rights Legal Support Centre is an agency of the Government of Ontario

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## Message from the Chair

It has been an honour to serve as Chair of the Human Rights Legal Support Centre since March 2008. Ontario's human rights landscape has shifted significantly in the past year, and I am proud to say that the Centre has had an enormous impact both on the lives of people who have experienced discrimination and on the organizations that conduct business in Ontario. The Centre has litigated successfully to win protection and compensation for individuals and to change policies, practices and procedures to protect future employees, tenants and consumers.

This past year I have been joined on the Board by a team of dedicated professionals with a wide array of experience from the public and private sectors. After our first meeting in December 2009, the Board met in person or by telephone more than once per month to put into place the Governance and other building blocks of an enduring public service corporation.

I am confident that the Board will provide strong leadership in years to come to permit the Centre, the central innovation in the Government's unique access to justice reforms of 2008, to realize its exciting potential as a force to enhance equality around this province.

Raj Anand  
Chair

## Message from the Executive Director

From effective urgent interventions to precedent-setting legal victories, the Centre has had an enormous impact in the last year in the advancement of human rights in Ontario. I feel very privileged to work with an enormously talented group of people who passionately and intelligently work to reduce discrimination and increase equal access to employment, housing and services for people in Ontario.

Staff creatively address and resolve complex legal and social issues on a daily basis, by negotiating resolutions, by engaging in settlement discussions and by litigating on behalf of individuals before the Human Rights Tribunal of Ontario. The staff are called upon to provide excellent service under challenging circumstances. The Centre continues to struggle to meet the demand for its services within its current resources.

On behalf of the staff, I would like to thank Raj Anand for his strong leadership as chair of the board of directors. Mr. Anand steered the Centre through its development and growing pains and helped build an effective and unique organization. Staff and Board members feel honoured to have had the opportunity to work under Mr. Anand's leadership in the Centre's first two years of operation.

Kathy Laird  
Executive Director

## Board of Directors

The *Human Rights Code* provides that the work of the Centre is governed by a Board of Directors appointed by the Government of Ontario. The Board is comprised of six members plus the Chair.

**Raj Anand** is a partner with the Toronto law firm WeirFoulds LLP, where his practice includes human rights and employment law. He is a former Chief Commissioner of the Ontario Human Rights Commission and has adjudicated complaints under Ontario's *Human Rights Code*. Mr. Anand acts for a variety of non-governmental organizations in public interest litigation. Mr. Anand graduated with the Dean's Key in 1978 from the University of Toronto's Faculty of Law. In 1997, he was the first recipient of the Advocates' Society Award of Justice. Mr. Anand has spoken and written on diverse subjects including trial, appellate and administrative advocacy and human rights. *Appointment April 9, 2008 to October 19, 2010.*

**Eugenia Papageorgiou** is Counsel to the Class Proceedings Committee of the Law Foundation of Ontario. Prior to this, she was Litigation Partner at McCarthy Tetrault LLP, Assistant General Counsel at York University and Assistant Crown Attorney at the Ministry of the Attorney General. Ms. Papageorgiou is the current President and a board member of the Barbra Schlifer Commemorative Clinic and a member of the Christian Development committee at Humbercrest United Church. *Appointment April 9, 2008 to April 8, 2013.*

**Nancy Gignac** has served as an elementary school teacher, vice-principal, and principal with the Greater Essex County District School Board. She also served as Supervising Principal of Special Education, primarily responsible for special education programs and services in both elementary and secondary schools. Ms. Gignac has been a Program Developer and Sessional Instructor with the Faculty of Education at the University of Windsor, and is currently working as a self-employed education consultant. She has served on the Board of Directors for the Windsor-Essex Children's Aid Society and the Maryvale Adolescent and Family services as both Board member and President. *Appointment September 17, 2009 to September 16, 2011.*

**Mary Gusella** has served as the Chief Commissioner of the Canadian Human Rights Commission, Canadian Chair of the International Joint Commission of Canada and the United States, a member of the Public Service Commission, President of the Atlantic Canada Opportunities Agency, and Chair and President of Enterprise Cape Breton Corporation. In addition, she was a Board member and President of the Institute of Public Administration of Canada and a member of the Canadian Human Rights Museum Advisory Committee. Ms. Gusella holds membership with the Law Society of

Upper Canada and the International Commission of Jurists - Canadian Section. She has a Certificate from the Canadian Securities Institute and holds undergraduate degrees from the Universities of Toronto and Ottawa. *Appointment September 17, 2009 to September 16, 2011.*

**Patrick Nadjiwan** is a member of the Chippewas of Nawash First Nation. Mr. Nadjiwan has practiced Aboriginal Law for the past fifteen years, providing general legal counsel to clientele of First Nations Governments, Tribal Councils, Aboriginal organizations, and Aboriginal individuals. Mr. Nadjiwan operates his own legal firm, Nadjiwan Law Office, and has diverse experience in areas such as litigation, First Nation governance, corporate governance, administrative law, employment law, and constitutional law. *Appointment September 17, 2009 to September 16, 2011.*

**Jim Thomas** is the President of the Centre for Creative Change, a change management consulting firm. He has over fourteen years of experience assisting Boards of Directors and large organizations in areas of Board effectiveness and governance. He conducts negotiations on behalf of the Ontario government and has facilitated many disputes and conflicts within the broader public sector. He is a former Ontario Deputy Minister of Labour and Management Board and is a lawyer and engineer. *Appointment December 2, 2009 to December 1, 2011.*

**Raj Dhaliwal** is a Human Rights Director at Canadian Auto Workers Canada and an Elected Canadian Labour Congress Executive representing visible minorities. He has a Labour Certificate from the University of Ottawa and a Numerical Control Certificate from Humber College of Applied Arts & Technology. Mr. Dhaliwal is a member of the Employment Accessibility Standards Development Committee, the Canadian Council for Refugees, Amnesty International and the International Civil Liberties Monitoring Group. In 2001 he represented the Canadian Auto Workers at the United Nations Conference on Racism in Durban, South Africa. *Appointment December 16, 2009 to December 15, 2011.*

## Discrimination in Ontario

An available apartment is suddenly taken when the new renter who comes to see the apartment is Black; a restaurant refuses to serve a woman who is acting "oddly" (she has a muscular disorder and the door staff think she's drunk); an employer fires two employees who are pregnant; a male boss fires his female subordinate when she refuses to accompany him on an overnight trip with shared hotel accommodation ... these are examples of the calls made to the Human Rights Legal Support Centre every day.

People in Ontario continue to face discrimination – ranging from the subtle to the shockingly overt – based on a disability or based on their race, gender or sexual orientation, or on any of the other identified characteristics set out in Ontario's *Human Rights Code* as prohibited grounds of discrimination.

The Centre is working to help people claim and protect their rights - by providing advice on its telephone inquiries line; by assisting individuals to file human rights applications; and by representing applicants at mediations and hearings at the Human Rights Tribunal of Ontario.

The Centre participates in community outreach initiatives with a human rights focus, working in partnership with Ontario's community legal clinics and with community organizations in various parts of the province, as well as with the Ontario Human Rights Commission. Our goal is to inform Ontarians of the services provided by the Centre and to work with community organizations that can intervene to help an individual before an infringement occurs, whether at work, in securing housing or when dealing with service providers.

## How the Centre Offers Legal Services

The Centre's primary mandate is to provide legal services to people who have experienced discrimination and who want to take legal steps to address the discrimination by filing an application to the Human Rights Tribunal of Ontario.

The Centre offers legal information on its website and provides callers to its telephone inquiries line with legal information and advice about whether they have experienced discrimination and about how to enforce their rights under the *Human Rights Code*.

The Centre provides ongoing legal services to applicants before the Tribunal, including representation, at all stages of the human rights process: before an application is filed; before mediation; and before the hearing. At each stage, the Centre assesses the level of service that is needed by the individual requesting service. The Centre will assist individuals to achieve a negotiated resolution at all points of the enforcement process.

The factors that are considered by the Centre in determining the level of service that is provided to an individual are posted on the Centre's website at: <http://www.hrlsc.on.ca/en/policies.htm>.

Priority is given to applicants with meritorious claims who would face barriers in self-representing, whether because of unfamiliarity with legal process, or because of other barriers associated with marginalization or with membership in a *Code*-identified group. Many clients of the Centre face language or literacy barriers in initiating a human rights application.

The Centre may give priority to applications that raise public interest issues or complex factual or legal issues that could have a broad impact on the rights of other groups who are vulnerable to discrimination under the *Code*.

### **Service is Provided Across Ontario**

The Centre provides service across Ontario. The main office is located in Toronto, but staff travel to attend mediations and hearings in all parts of the province. In 2009/10, the Centre teamed up with community legal clinics to place staff in St. Catharines, Sault Ste. Marie, Thunder Bay, Sarnia, Ottawa and Guelph.

## The Year in Statistics<sup>1</sup>

### Statistical highlights:

The Centre responded to 24,905 telephone and in-person inquiries from the public in 2009/10. In response to 10,700 of these inquiries, the Centre provided summary legal assistance in respect of a possible human rights claim. An additional 8,200 inquiries were requests for general information about rights and responsibilities under the Code. Most of the remaining 5000 calls were unrelated to human rights.

The Centre's lawyers provided legal assistance in respect of a Tribunal application to 995 new clients who contacted the Centre for the first time during the period covered by this Report. The grounds of discrimination in these claims can be broken down as follows:

- Race, Colour, Ethnic Origin, Place of Origin, Ancestry and Race-related Creed – 30%
- Disability – 28%
- Sex, Sexual Harassment, Gender – 11%
- Pregnancy – 10%
- Sexual Orientation and Gender Identity – 10%
- Family, Marital Status – 4%
- Age – 3%
- Reprisal – 2.5%
- Receipt of Public Assistance – 0.5%
- Record of Offenses – 0%.

*In 2009-10, the Centre referred 27 cases to its pro bono panel, resulting in 14 settlements for Applicants.*

*The Centre initiated enforcement proceedings in 18 cases\* where the respondent failed to comply with a settlement agreement or HRTD order, resulting in \$74,275.96 being collected for Applicants.*

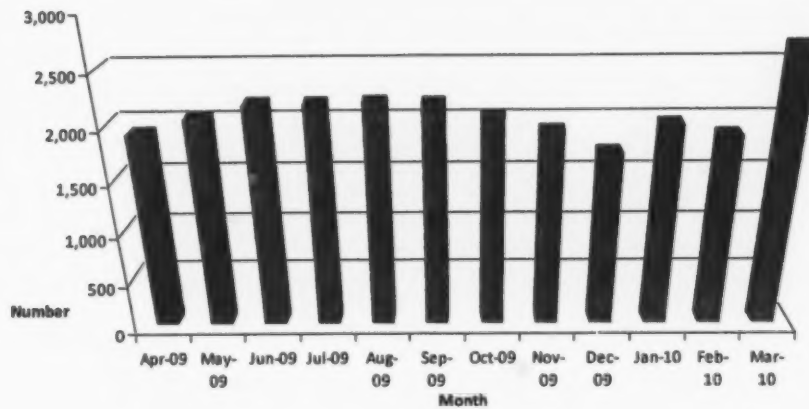
*\*at the close of the fiscal year, 9 enforcement files were still ongoing, with an amount of \$79,722.30 outstanding.*

The Centre provided representation in approximately 500 Applications proceeding before the Tribunal in 2009/10, including 280 new Applications where the Centre became retained between April 1, 2009 and March 31, 2010.

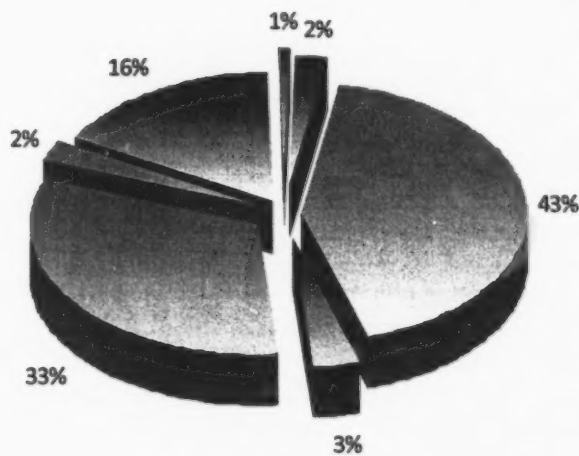
- The Centre negotiated settlement of 258 human rights claims in 2009/10. Approximately 30% of settlements were achieved prior to filing a human rights Application at the Tribunal.
- In 2009-10, the Tribunal issued 13 final decisions and over 30 interim decisions in applications where the Centre represented the applicant. A full breakdown of decisions, including ground and social area, is found in Appendix A.

<sup>1</sup> The HRLSC does not have a fully functioning case management system. The statistics provided in this report are based on the best information available.

### Number of Inquiries

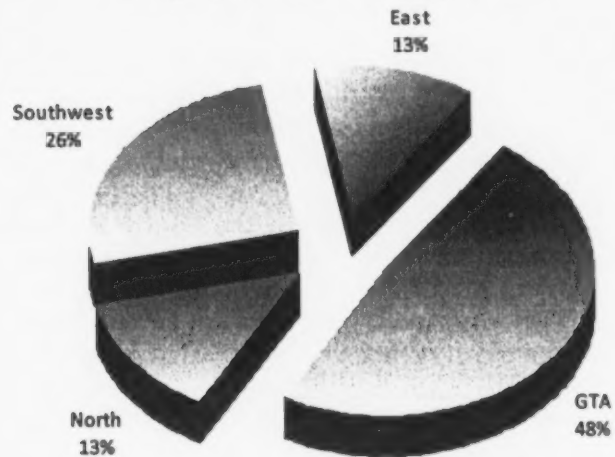


### Nature of Inquiries

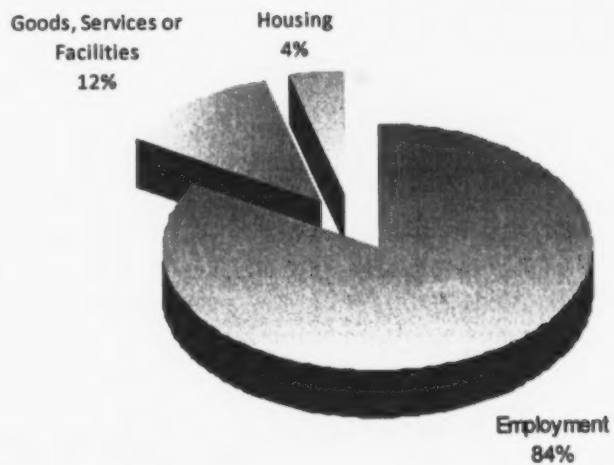


- Code-Related Allegation of Discrimination (43%)
- General HRLSC Information – Hours, Location, Services provided (3%)
- General Human Rights Code Information – grounds of discrimination, social area (32%)
- General human rights system information HRTO (2%)
- Not Related to the Human Rights Code (16%)
- Pre-June 30/08 Complaint at OHRC (1%)
- Unknown (2%)

### Geographic Location of Applicants



### Social Area of Discrimination



## Providing Quality Services with Limited Resources

The Centre continues to experience a high and increasing level of demand for its services. For example, in March 2010, the Centre received approximately 2700 new inquiries to its telephone advice lines, up from 2200 calls in March 2009. Each of these calls was from a person phoning the Centre for the first time to seek information, advice or legal services.

As reported in the 2008/9 Annual Report, the Centre is concerned about its ability to provide an appropriate level of service to the individuals who contact the Centre seeking information about human rights, legal advice about discrimination or legal assistance in filing an application to the Human Rights Tribunal.

Between April 1<sup>st</sup>, 2009 and March 31<sup>st</sup> 2010, the Centre was only able to respond to 57% of the almost 40,000 telephone inquiries to its intake lines. Long wait times resulted in calls being abandoned before the inquiry line could be answered. Although this rate is an improvement over 2008/9, when the Centre was only able to answer 52% of incoming calls, the Centre's capacity to respond to the public falls far short of reasonable standards.

The Centre knows that many callers reach our inquiries staff on a subsequent attempt, eventually receiving legal assistance. We also know that a percentage of unanswered calls are from employers, landlords or service providers who hang up after hearing on the taped message that the Centre assists potential applicants only. However, the Centre cannot assess the number of calls that fall in these two categories and, even accounting for these calls, the Centre is not meeting an appropriate level of service to the public.

The 2008/09 Annual Report also highlighted the Centre's challenges in meeting the demand for legal representation at the Tribunal. In order to provide representation to as many people as possible, the Centre changed its service model, providing more legal assistance through inquiries staff, as opposed to lawyers, and accepting retainers later in the process, at the mediation or hearing stage. This change in how we provide service has put more pressure on our inquiries lines as staff assisted more people to draft their own applications. Even with these adjustments, the Centre was able to provide representation in almost 100 fewer new applications in 2009/10.

The Centre is actively seeking solutions. As part of our attempts to deal with the volume, the Centre has:

- provided ongoing training to community agencies to help them identify human rights issues and serve their communities with first level advice;
- delivered training to 80 law firms as part of a successful initiative to establish a panel of lawyers to provide unpaid services across Ontario;
- worked with Ontario's community legal clinics to provide advice on litigating human rights cases;
- established direct access to a Centre lawyer for individuals in need of urgent assistance who are referred by a legal clinic or a community agency serving high-need clients;
- implemented an emergency/early intervention stream that often resolves issues without the need to file a human rights application;
- assisted three community agencies to obtain funding from the Law Foundation of Ontario for human rights outreach to hard-to-reach communities with difficulty accessing services because of language or location;
- provided over 40 community education sessions to the public and to organizations in communities across Ontario; and
- provided strategic advice to lawyers, community workers, and agencies across Ontario on how to achieve an early resolution of a human rights dispute.

Every person who contacts the Centre to inquire about an infringement of their Code rights will receive legal advice and assistance. However, the Centre cannot provide full legal representation to every person who requests assistance in litigating an application before the Tribunal. The Centre gives priority service to those who are least able to represent themselves in litigating a human rights claim.

Go to <http://www.hrlsc.on.ca/en/policies.htm> to see the factors that are considered in deciding the degree of support that can be provided. Look for "*Draft Eligibility Criteria*".

Some of the criteria for deciding on priority service for applicants include:

- lack of fluency in English/French;
- low functional literacy level;

- challenges created by recent arrival in Canada, refugee status and related issues;
- marginalization associated with designated group status (e.g. youth; senior; member of a racialized community);
- issues related to a disability (including the need for accommodation of Code-related needs by the Centre);
- issues related to poverty (such as access to telephone, affordable transportation);
- absence of other supports in daily living; and
- unfamiliarity with legal processes.

## Outreach to Communities:

### Sharing Information on Human Rights

#### Public Forums

The Centre is grateful to its many community partners, including Ontario's 78 community legal clinics. In 2009/10, members of the Centre's staff participated in human rights outreach and education forums in a number of communities including Toronto, Ottawa, Thunder Bay, Windsor and Belleville. Staff members have participated in human rights training forums for community agencies including Family Services Toronto, Community Living Toronto, COSTI Immigrant Services, Access Alliance Multicultural Health Centre and the Thunder Bay Canadian Mental Health Association.

This year, the Centre participated in a number of human rights outreach initiatives that focused on hard-to-reach constituencies including migrant farm workers, injured workers, temporary and foreign workers, francophone newcomers, English as a Second Language (ESL) students and people living in poverty in small urban and rural settings.

Staff from the Centre also presented at legal education sessions at the Universities of Toronto, York, Ryerson, Queen's and Windsor, as well as at George Brown, Seneca, Ryerson, Mohawk, and Sheridan Colleges. This was in addition to continuing legal education presentations provided by Centre staff at events sponsored by organizations such as the Law Society of Upper Canada and the Ontario Bar Association.

## **Law Foundation of Ontario support for human rights outreach**

The Centre worked with the Workers Action Centre, Justicia for Migrant Workers and Hamilton's legal clinics to secure the generous support of the Law Foundation of Ontario to develop outreach projects aimed at assisting hard-to-reach communities to access human rights protection. The Centre helped develop project proposals to address the need for public legal education, accessible written materials and human rights training of front-line staff, with the overall goal of improving access to human rights protection. The projects are based in Hamilton, rural southern Ontario and Toronto.

The Centre is working in partnership with the Hamilton legal clinics, the Workers Action Centre and Justicia to ensure broad outreach and minimal duplication. The Centre will assist in ensuring expert translation of materials and will coordinate the distribution of materials outside of the primary geographic areas and to other high-need communities. With the Centre's assistance, the new public legal education resources will be shared with a wide variety of stakeholders across Ontario, including settlement agencies, community legal clinics, health centres and other front-line organizations that serve communities vulnerable to human rights violations.

The Centre's outreach goal in undertaking these joint projects is to improve access to justice for the specific marginalized communities that are the first focus of the initiatives: seasonal farm workers (Thai, Mexican and Caribbean), persons living with mental and physical disabilities, Aboriginal persons in urban and rural communities, racialized newcomers including workers in precarious employment (focusing on Spanish-speaking, Caribbean, Chinese and South Asian communities) and persons living in isolated rural communities.

## **Ongoing training for all staff at the Centre**

Thank you to the many presenters who shared their expertise with HRLSC staff over the past year. Some of the organizations that provided training included: ARCH Disability Law Centre, Bakerlaw, Canadian Hearing Society, Cavalluzzo, Hayes, Shilton, McIntyre and Cornish LLP, Carranza Barristers and Solicitors, Legal Aid Ontario Clinic Resource Office, Community and Advocacy Legal Clinic of Belleville, HIV and Aids Legal Clinic of Ontario, Ontario Human Rights Commission, Professor David Tanovich, University of Windsor Law School.

## Publications

The Centre produced the following new legal educational materials in the past year:

- Your right to accommodation under the Code
- What remedies are available at the Human Rights Tribunal?
- Rescheduling or adjourning your mediation or hearing at the Human Rights Tribunal
- Time limits and your human rights claim
- Requesting an expedited hearing
- What do I need to know about mediation?

Many of the Centre's new materials focus on assisting individuals in understanding how to enforce their rights through Ontario's human rights system.

The Centre has also published short legal information sheets to help people understand their rights under the *Human Rights Code*.

Several easy-to-use publications are available on the Centre's website in Chinese, Vietnamese, Urdu, Arabic, Somali, Spanish, Tamil, Punjabi, and Tagalog as well as in French.

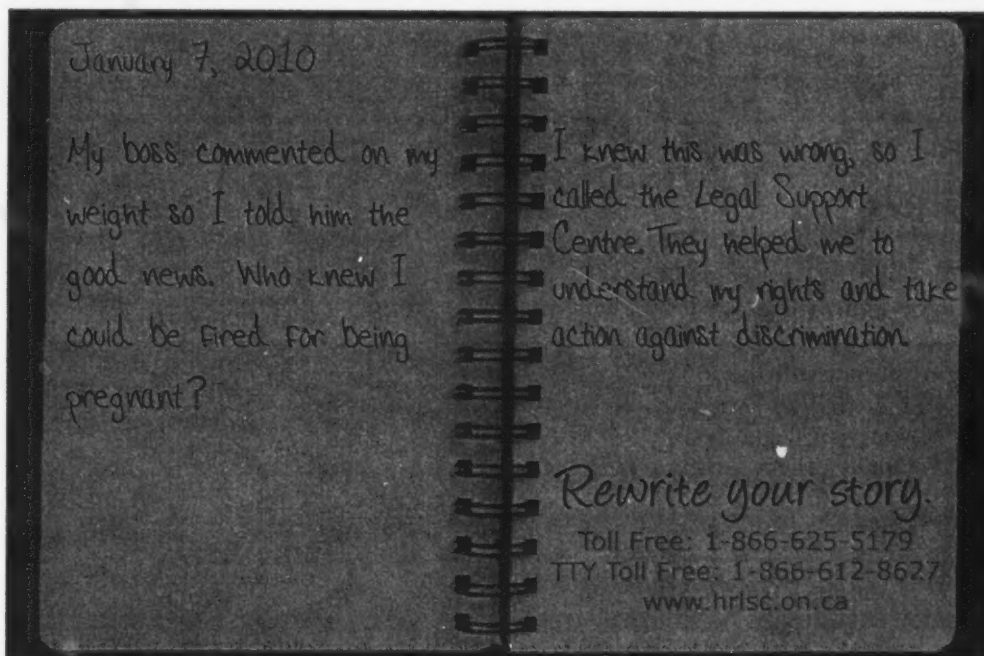
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## Thanks to students at the AdCentre at Humber College

The Centre is grateful to students at the Humber College AdCentre for their creative work to design a range of materials on human rights issues. Teams of students competed to provide the most engaging human rights messages.

### *Congratulations to the winning team*

**Katie Maxfield, Mary Kate Midghall, Michelle Milheiras and Laura Robinson.** The winning team developed the campaign to deliver clear messages about what basic everyday human rights mean to average people. They developed a "diary" of common human rights violations (one of which you can see on the annual report cover) and accompanying postcards.



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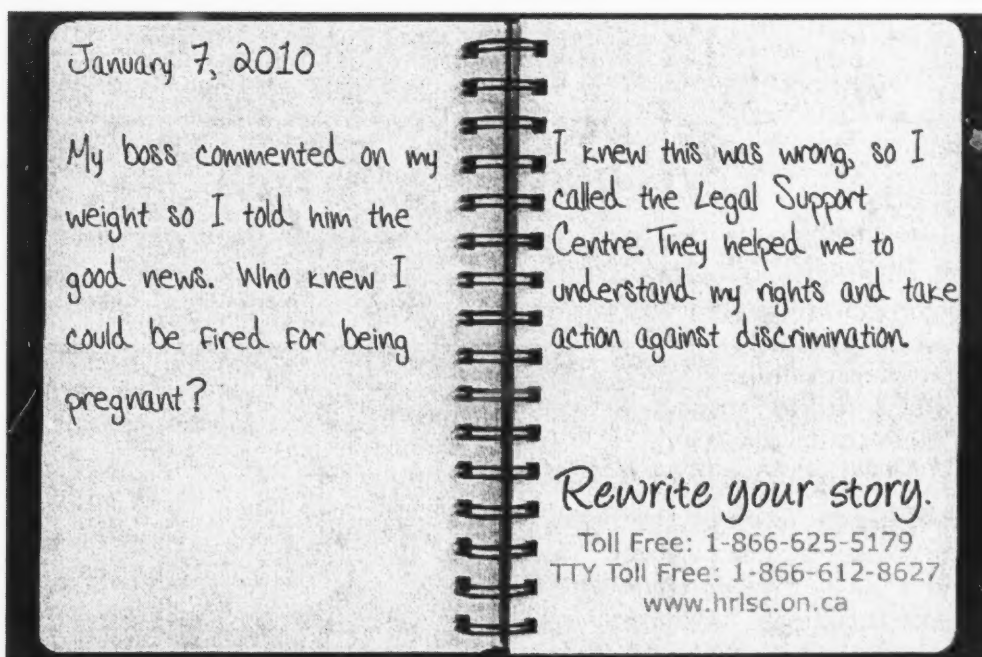
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## Legal victories changing the human rights landscape

In its first full year of operation, the Centre won significant legal victories for individuals who experienced discriminatory treatment or conduct. Each legal victory brings much needed clarity to the rights and responsibilities that Ontarians have under the *Human Rights Code*. Every decision of the Human Rights Tribunal of Ontario has a broader impact on our understanding of human rights, whether in the workplace or in the marketplace, in renting housing, in finding employment, in accessing services or in using facilities.

A number of significant decisions in Centre cases are summarized below. You can see the full text of all Tribunal decisions on the Canadian Legal Information Institute Website. (<http://www.canlii.org/en/on/onhrt/>). A chart with all decisions where the Centre provided representation is in Appendix A of this report.

### Litigating Discrimination

#### **Khan v 820302 Ontario Inc – trucking company must develop human rights policy and deliver to all future employees as well**

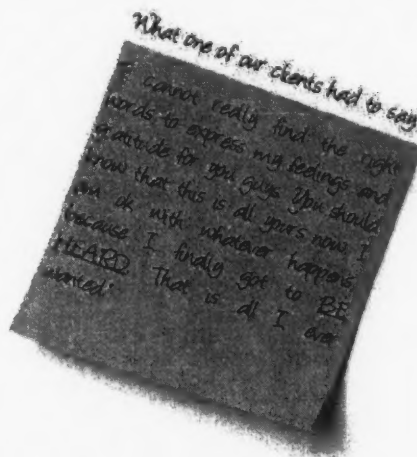
Cheryl Khan came to the Centre after being subjected to frequent racist slurs at her workplace and witnessing verbal assaults directed at other employees of diverse racial backgrounds. Ms Khan repeatedly told her employer to stop and was ultimately fired.

The Tribunal found the “deliberately cruel references to the applicant being a ‘Paki,’ and having slept with a ‘Nigger’ and having ‘half-Nigger babies’ to be indications that the [employer] considered the applicant inferior.”

The decision found that the current employees testifying for the owner were “inconsistent” and “attempting to hide ... racial comments.” In contrast, the testimony of Ms. Khan and

her witnesses was found to be “clear and unproblematic.”

The Tribunal ordered the trucking company to develop a human rights policy to be given to *all current and future employees*. Ms. Khan was person-



ally awarded \$25,000 for the harm she experienced as a result of the discrimi-

nation and just over \$6,750 in lost wages.

### **Dixon v 930187 Ontario Ltd – landlord must provide accessible unit**

After being refused a transfer five times by their landlord, Peter and Louise Dixon turned to the Centre for help. Mr. Dixon, a bilateral amputee, viewed several empty units in his building and was told they were not "suitable."

The Tribunal ordered the landlord to allow the Dixons to rent the next available ground floor unit, to make the entrances to the building wheelchair accessible, and to pay the Dixons the difference between their current rent and what they would have been paying if

Mr. Dixon testified about the severe physical and emotional impact of the lengthy wait for a transfer because of the unreliable elevator and being unable to leave home unassisted.

During testimony at the hearing, the landlord openly acknowledged that he might not have rented to the Dixons if he had known Mr. Dixon used a wheelchair, insisting the building is "not equipped" for people with wheelchairs and having suggested a "facility" might be more appropriate.

The Tribunal found that "[The landlord] appeared to take the position that he was entitled to substitute his judgement for that of the Dixons as to what they needed and where and how they should live." The decision stated: "Both persons with disabilities and persons on social assistance tend to be subjected to harmful stereotyping as well as societal barriers that have an effect on their dignity."

*"Both persons with disabilities and persons on social assistance tend to be subjected to harmful stereotyping as well as societal barriers that have an effect on their dignity."  
-Judith Keene,  
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their first transfer request had been approved. The Tribunal also awarded \$10,000 in general damages as compensation for the discrimination. The landlord was also ordered to train all managerial staff on anti-discrimination practices relevant to tenants.

### **Harriott v Money Mart – companies must investigate sexual harassment**

The Centre represented Marjorie Harriott, an employee who was subjected to sexual harassment by her supervisor at a Toronto Money Mart office. The Human Rights Tribunal found that the harassment was "relentless" and that the company had "completely failed" to investigate complaints. Money Mart was ordered to amend their harassment and discrimination policy and to distribute it to every employee in Ontario. The company must also train all Ontario managerial staff about human rights.

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In a 58-page decision, the Tribunal found that the Money Mart district manager "proceeded to attack the applicant about the validity of her complaint and whether she understood what sexual harassment was, despite the fact that she was the company representative who knew of the complaints that she had received in previous months from other female employees."

The decision noted "It must be borne in mind that sexual harassment is usually more about abuse of power and control than actual sexuality, and I find the applicant was very vulnerable to [the manager's] authority and his ability to influence her job with the company."

In addition to the orders about making sure all Money Mart employees know their rights, Ms. Harriott was personally awarded \$30,000 for the harm she experienced as a result of the sexual harassment.

Money Mart not only complied with the order, they extended the new harassment policy across the country.

#### **DiSalvo v Halton Condominium Corporation 186 – Condominium Board must pay for accessible common areas**

With help from the Centre, Paul DiSalvo won his long battle to be able to enter his own front door. Mr. Di Salvo has degenerative Multiple Sclerosis (MS) and had been unable to negotiate the front steps to his home. The condominium corporation insisted that Mr. DiSalvo bear the full costs of installing a ramp to his door and making modifications to the walkway, arguing it would not be appropriate to expend funds for the sole benefit of one owner. The Tribunal decided otherwise.

The Tribunal ordered the Halton Condominium Corporation to install an accessible ramp and train condominium members about discrimination, disability and Ontario's *Human Rights Code*. The Tribunal also ordered the board to

*"Even where the applicant is the only individual benefiting from the accommodation...the Code requires that the costs of the reasonable accommodation be borne by the condominium corporation."*

*Michelle Flaherty,  
Vice-Chair, Human Rights  
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pay \$12,000 in general damages to Mr. DiSalvo for injury to his dignity.

The decision-maker stated: "I

find that by insisting on a position that was wrong, at law, by failing to consider alternatives, and by creating a barrier to substantive discussions, the respondent [Halton Condominium Corporation No. 186] has also failed to meet its procedural duty to accommodate the applicant [Mr. DiSalvo]."

### **Maciel v Fashion Coiffures – female employee dismissed when she revealed pregnancy**

Jessica Maciel could not believe her ears. Minutes after revealing her pregnancy, she was told to pack her bags and go home. Ms. Maciel had been hired as a full-time receptionist at a Mississauga salon. With a business diploma in hand, Maciel was assured when hired that she could move up in the company.

With representation from the Centre, Ms Maciel was successful in getting a Tribunal order requiring her former employer to pay over \$35,000 in general damages, in addition to an amount for lost wages. The Tribunal also ordered the company to imple-

ment an accommodation policy for pregnant employees.

The Tribunal found that Ms. Maciel's pregnancy was "likely the only factor, in the respondents' decision to terminate her employment". The decision

stated: "I am mindful of the vulnerability of the applicant. She was young, just out of school, and coping with an unplanned pregnancy. This was to have been her first full-time job, which she testified she was very excited about, making the experience that followed that much more distressing."

*"I am particularly glad that the company must create a policy to protect other women. This should not happen to anybody else. Employees need to know their rights and employers should know the law."*

*-Jessica Maciel,  
Human Rights Applicant*

### **Negotiating Results After Mediation and Before the Hearing**

#### **C.D. v Walmart Canada – right of employees to care for family members**

On the first day of hearing before the Tribunal, the Centre negotiated an agreement with Walmart Canada, recognizing the unique family status of one of Walmart's employees ("C.D.") who is the sole caregiver for a severely disabled family member. Walmart's work scheduling requirements conflicted with the employee's exceptional situation.

Both the employee and Walmart Canada agreed to an order from the Human Rights Tribunal of Ontario that allows C.D. to work specific times on weekdays when she is not required to attend to the unique needs of her family member. The arrangement provides appropriate scheduling flexibility to enable C.D. to meet Walmart's work scheduling requirements in a manner that is fair to both C.D. and her fellow employees at the store.

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Walmart Canada's Vice-President of Corporate Affairs acknowledged the need to modify its policies: "Our corporate culture is one of respect. We believe that when an associate is faced with unique family obligations like those of C.D., who is the sole caregiver for a severely disabled family member, it is important to provide the right work environment."

C.D. requested anonymity out of consideration for her family member.

### **Systemic discrimination and sexual harassment in the workplace**

A long-term employee had filed her own application against her employer alleging a history of sex discrimination in the workplace (harassing comments, differential treatment in the assigning of office resources, pay equity issues), and discriminatory termination. After the mediation failed, she approached the Centre for representation. The Centre was able to negotiate a settlement of over \$100,000 including general damages and compensation for legal costs incurred before coming to the Centre for help.

#### **Using the media to put discrimination on the public agenda**

The Centre regularly issues media releases on its litigation files, particularly when an important case is launched or won. The Centre's use of the media is designed to bring public attention to how Ontarians experience discrimination, highlighting issues of racism, access for disabled persons, sexual harassment, gender discrimination and other critical human rights issues that people face every day.

The Centre successfully obtained media coverage for approximately 100 news items in 2009/10, including substantive coverage in major dailies (Globe and Mail, National Post, Toronto Star, Montreal Gazette), as well as television and radio appearances in a number of languages, including English and French.

Articles in specialty publications such as the Canadian Human Resources Reporter, the Occupational Health and Safety Canada magazine, Condo Business, Canadian Business, Canadian Employment Law Today and the Law Times reached targeted audiences where the impact of legal analysis and clarification may lead to significant systemic changes in policies and procedures.

Media coverage also led to postings on web sites and blogs across Canada and abroad.

For a list of media releases see Canada Newsire

(<http://www.newswire.ca/en/releases/orgDisplay.cgi?okey=100870>)

## Negotiating settlement at the Mediation

### Breastfeeding mum happy with settlement

A Newmarket pool owner agreed to make a \$2,000 donation to a women's shelter and post signs saying she will allow breastfeeding in and around the water after mediation at the Human Rights Tribunal.

A mother had been breastfeeding her 20-month-old daughter while swimming with friends at the Newmarket pool and the owner of the pool asked her to stop. The Centre represented the mother in negotiating an agreement at mediation.

### Positive evaluation doesn't shield new Canadian from over-scrutiny and racial discrimination

A relatively recent newcomer to Canada endured comments at her workplace about where she was from. Despite a positive performance evaluation from previous supervisor, the employee was subjected to over-monitoring and scrutiny of her work. When she complained about the treatment, she was terminated. At mediation, the Centre negotiated \$25,000 in compensation for the woman as well as a letter of reference indicating good performance. The employer agreed to conduct an external audit to analyze their practices and policies.

*From the City of Toronto report on breastfeeding in public:*

#### **Breastfeeding. Anytime. Anywhere.**

A mother's decision to breastfeed her child in public is supported by the Ontario Human Rights Commission through policies that support women who are pregnant or breastfeeding. In the "Policy on Discrimination because of Pregnancy and Breastfeeding" the Commission states that: "Women should not be disadvantaged in services, accommodation or employment because they have chosen to breastfeed their children... Women should have the choice to feed their baby in the way they feel is most dignified, comfortable and healthy." Another document published by the Commission entitled "Pregnancy and Breastfeeding: Your Rights and Responsibilities", advises women that: "You have the right to breastfeed a child in a public area. No one should prevent you from nursing your child simply because you are in a public area. They should not ask you to 'cover up', disturb you or ask you to move to another area that is more 'discreet'." In accordance with the Commission's policy and in consideration of the City's Human Rights Policy, it is important that the City of Toronto publicly support breastfeeding women to breastfeed anytime and anywhere, including all public places controlled by both the municipality and ABCs. The adoption and implementation of the "Breastfeeding in Public" policy demonstrates that support.

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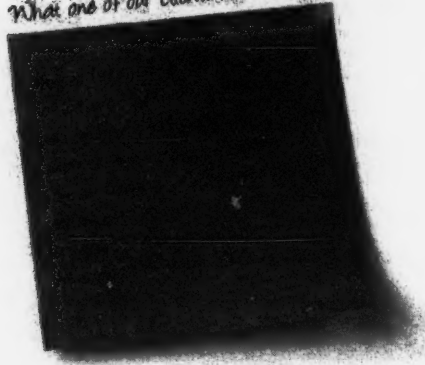
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**Employee shut out of work because of spouse**

A woman worked seasonally in outdoor maintenance. Her husband worked for the same employer. She was a good employee with no discipline on record. Her spouse had a verbal altercation with a co-worker. Soon afterwards her work hours were reduced and she was let go before the end of the season. In the fall, when she called the company to ask about getting recalled, she was told by two different managers that she wasn't being recalled because of what had happened with her husband. Her husband and the two witnesses to the altercation also did not get recalled. The family lives in a remote area with very limited job opportunities. The woman experienced serious emotional stress, and her overall health declined. At mediation, the Centre negotiated an agreement that resulted in \$15,000 in general damages and a positive letter of reference.

What one of our clients had to say:

**Human rights applicant to share her story as part of corporate training**

A woman with cerebral palsy interviewed for a job with a mid-sized non-profit organization. When she followed up to find out about the position she was told that they had decided not to hire her because of her disability.

The Centre negotiated a settlement that included \$15,000 in general damages

and human rights training for all management within six months. The woman was able to participate directly in the training to talk about the impact that the discrimination had on her individually.

**Early settlements – negotiating an agreement before an application gets to mediation**

In some cases, the Centre is able to find a resolution for a client after filing an application at the Tribunal and before the scheduled mediation occurs. Receiving a human rights application is sometimes all that is needed to persuade an employer service provider or landlord to start to discuss the issue seriously.

**Company responsible for sexual harassment of employee**

A woman met a prospective employer at a job fair and sent him her resume. The man expressed interest in employing her and invited her to an interview. The workplace was a 1 hour bus ride from her house. He met her at the bus station and instead of taking her to the workplace for her interview, he took her to a coffee shop. He wasn't interested in talking about her skills and instead he proceeded to tell her how beautiful she was and to touch her hands and her face. She complained to the company's human resources department but the department failed to investigate. The Centre filed an application, but before the case went to mediation, the respondent company agreed to pay the Applicant \$15,000 in general damages.

**Quick Interventions – settling human rights disputes before filing an application**

Staff at the Centre can often help people facing discrimination without even filing a human rights application. Sometimes a phone call or a letter will solve the problem. At other times, a series of meetings can change the outcome not just for the client, but for everyone at a workplace or business.

**"Unavailable" apartment back on the market**

A superintendent was reluctant to allow an African Canadian woman to apply for the apartment that she had just viewed. She called back next day, identified herself and was told that the unit was no longer available. A friend with a British accent telephoned after her friend did and was told the unit was still available. The next day, the white friend confirmed the unit was available with the Superintendent. When the Black woman walked in, the Superintendent contacted the property manager, who said the unit was rented. The Centre contacted the owner who accepted the client's application. From the client's first call to the resolution: two days.

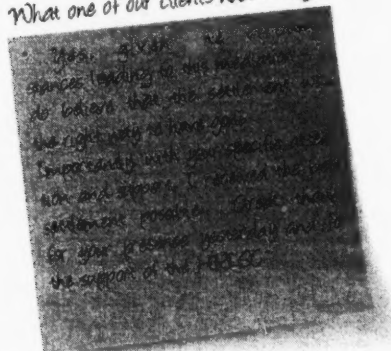
**Quick results for man using scooter**

The Board of Directors of a non-profit housing corporation refused to allow a tenant with various disabilities to park his motorized scooter in the bike room of the apartment building. He was told that he had to take it upstairs to his unit. He would then be harassed by the maintenance staff because he was tracking in snow, slush, rain and dirt. One letter from the Centre resolved the issue.

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### **Student gets the accommodation required to write LSAT**

A woman's disability was appropriately accommodated during her undergraduate work. When she decided to apply for law school, she provided medical documentation to support a request that she receive accommodations in order to access the Law School Admission Test (LSAT) on a level playing field with other candidates. The client was denied the accommodations by the Law School Admissions Council. The Centre wrote to the Law School Admissions Council requesting urgent reconsideration of the decision based on human rights principles and LSAC's own guidelines for accommodation. The accommodations were provided to the client during the next sitting of the exam.

### **Young man can travel the school halls with dignity**

In Southwest Ontario, a distraught mother called the Centre because her son's school was reluctant to make necessary changes to allow her son to participate equally at school. She was trying to make sure her son, who uses a wheelchair, was able to have full access to facilities at the school. The Centre staff person drove to the school and met with the principal, the school board's lawyer and the family. They toured the school and pointed out where power buttons needed to be installed and what changes needed to be made to the washroom. The young man is now able to move freely through his school with dignity.

*What one of our clients had to say:*  
As for her studies, she is being provided with her accommodations on a regular basis. [She] has not been centered due to her learning disability and has since now found confidence. You are a big part of the success with adjustment to [the school].

## Public Interest Remedies: The big picture

One of the goals of human rights enforcement is to try to prevent the discrimination from happening again, and to encourage organizations to educate staff and volunteers about discrimination. Sometimes a single human rights application can change practices right across the province, or in some cases across the country.

When the Centre asks the Ontario Human Rights Tribunal to make an order or approve a mediation settlement that includes directions to change the practice of a landlord, employer or service provider, it is called a "public interest remedy" – a solution that is designed to benefit a wider group of people than the individual who brought forward the human rights application.

### **One woman's claim leads to changes nationwide**

The Centre represented a black woman originally from Jamaica. She worked with special needs children full time during the school year, and took a job in the summer of 2007 at a national retail chain on a part time basis. Her manager made comments to her several times blaming shoplifting in the store on Jamaicans. When the client took issue with the manager's comment, the manager was angry and refused to continue to deal with her directly. She was eventually terminated. At mediation, the Centre negotiated financial compensation for the client and an employer commitment to train staff on a new human rights policy and a complaints process for all of their stores nationwide. The policy will acknowledge the company's obligations as both a service provider and as an employer.

### **Large manufacturing company agrees to train all staff on human rights**

A man who had immigrated to Canada from a Middle Eastern country complained of harassment from a fellow employee based on his country of origin to the employer. The harassment included statements such as that he had been learning "how to fly an airplane in order to hit the Parliament buildings" and that all people from his country are "idiots." The employer was a large organization and claimed to have investigated the matter but refused to share the results with the employee. The Centre negotiated an agreement that the corporation would train all managers and all employees about human rights within six months.

### **Cab company agrees to training, donation to service organization**

A taxi driver refused to take a man with a service dog to his destination. The Centre represented the man who had brought an application seeking an apology and no monetary award. Our client simply wanted to make sure that what happened to him did not happen to anyone else. The Centre negotiated the result that the client wanted, including an agreement that the company make a donation to an organization serving the blind.

### **Ensuring one accessible facility got the whole city talking**

A Timmins man contacted the Centre after his local sports centre was reluctant to provide a new wheelchair lift for the pool. The client has spina bifida and requires a wheelchair to access the pool. The Centre was able to negotiate an agreement to have the right equipment installed. The local sports centre held a media conference to announce the news. This brought the case to the attention of the public, starting discussion at Timmins City Council about the need to achieve a completely barrier-free Timmins.

### **Discrimination applications launched against four municipalities**

*Arbitrary restrictions on group homes are discriminatory and have nothing to do with planning and everything to do with negative stereotypes about disabled people. I would like to see the government prescribe regulations to supersede all such by-laws across Ontario."*

*Mike Bradley, Mayor, City of Sarnia*

On February 23, 2010, the Centre filed applications on behalf of eight people living with disabilities against four Ontario municipalities (Toronto, Smiths Falls, Kitchener and Sarnia) that had planning by-laws that limit where housing is available for disabled people within their communities.

While the by-laws are supposed to regulate land use, people with disabilities are often shut out by zoning rules that explicitly limit the sites available for supportive housing. These applications mark the first time a legal challenge has been mounted against discriminatory by-laws using Ontario's new human rights system. The Centre is working with the Dream Team, an

organization comprised of people living with mental illness that advocates for more supportive housing for people with disabilities in Ontario.

Shortly after the applications were filed, the City of Sarnia amended its by-laws to remove the by-laws that restricted locations for housing for people with disabilities. The City of Smiths Falls is also reviewing its by-laws and considering amendments, including the removal of a by-law that allows no more than 36 "mentally handicapped" people to be housed in group homes within the entire municipality.

## Feedback from our clients

In a client satisfaction survey of 79 randomly selected clients, 96% of respondents rated the Centre's services as "very good" (88%) or "good" (8%). The Centre represented each of the clients at a mediation or hearing in 2009/10.

Fully 100% of the clients reported that they were able to speak to their lawyer when they needed to and that their lawyer explained their legal options in a way that they understood. 96% felt that their lawyer understood their situation.

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## Table of Decisions

Please see Appendix A

## **Audited Financial Statements**

**Please see Appendix B**

## Appendix A

### HRTO decisions on HRLSC cases – April 1, 2009 to 30 March, 2010

- A. FINAL DECISIONS
- B. INTERIM DECISIONS – REQUESTS TO DISMISS
- C. INTERIM DECISIONS – OTHER (incomplete)

#### A. FINAL DECISIONS

	decision date	ground(s)	social area	result/remedy
C.D. vs. Walmart, 2010 HRTO 642	24 March 2010	family status	employment	consent order
Chan v. Match Sport Int'l, 2010 HRTO 459	1 March 2010	marital status	employment	dismissed (merits)
DiSalvo v. Halton Condominium Corp. No. 186, 2009 HRTO 2120	8 Dec. 2009	disability	accommodation	\$12,000 generals R to build access ramp PIRs
Dixon v. 930187 Ontario, 2010 HRTO 256	4 Feb. 2010	disability, family status, marital status, receipt of public assistance, association	accommodation	\$10,000 generals \$2595.59 & 136.61/month rent reduction (until transfer to new unit) R to offer 1 <sup>st</sup> appropriate unit PIRs
Dondapaty v. TCHC, 2009 HRTO 1172	6 Aug. 2009	race, ethnic origin, disability	employment, goods, services or facilities	dismissed (merits)
Harriott v. Money Mart, 2010 HRTO 353	17 Feb. 2010	sex, sexual harassment	employment	\$22,500 generals (CR+PR jointly) \$7,500 generals (CR)
Khan v. 820302 Ontario, 2010 HRTO 265	5 Feb. 2010	race, colour, ethnic origin, family status	employment	\$25,000 generals \$6,750 lost wages PIRs
Maciel v. Fashion Coiffures, 2009 HRTO 1804	28 Oct. 2009	sex, pregnancy	employment	\$15,000 generals \$9,060 lost wages \$11,659 lost benefits PIRs

decisions received – by final, interim – April 1, 2009 to 30 March, 2010

	decision date	ground(s)	social area	result/remedy
Parma v. Stoney Creek Lifecare, 2010 HRTO 501	5 March 2010	race, colour, ancestry, place of origin, ethnic origin	employment	dismissed (abuse of process - signed settlement agreement, no duress)
Saadi v. Audmax, 2009 HRTO 1627	7 Oct. 2009	race, colour, ancestry, place of origin, ethnic origin, disability, creed, sex	employment	\$15,000 generals \$21,070 lost wages PIRs
Smith v. Wright Limousine Service, 2009 HRTO 586	6 May 2009	sexual harassment, reprisal	employment	application withdrawn with leave
Tofflemire v. Metro (Windsor) Enterprises, 2009 HRTO 1471	Sept. 14, 2009	(disability, age)	(employment)	\$7,500 generals, \$(unspecified) lost wages minus benefits rec'd (A's reconsideration request re: formula pending)
Tofflemire v. Metro (Windsor) Enterprises, 2010 HRTO 69	14 Jan. 2010	disability, age	employment	reconsideration re remedy (requested by A) – granted no deduction of benefits from lost wages

#### B. INTERIM DECISIONS – REQUESTS TO DISMISS

	decision date	ground(s)	social area	nature of request - result
Dhunsi v. J.T. Bakeries, 2010 HRTO 540	12 March 2010	disability	employment	to dismiss under s.45.1 – denied [to defer – granted]
Kelly v. CultureLink Settlement Services, 2010 HRTO 508	5 March 2010	disability	employment	to dismiss against union under 34(2) (delay) – denied

decisions received – by final, interim – April 1, 2009 to 30 March, 2010

	decision date	ground(s)	social area	nature of request - result
Lawrence v. Toronto Police Services Board, 2009 HRTO 1645	9 Oct. 2009	race, colour, ancestry, place of origin, sex, age	goods, services or facilities	to dismiss (no jurisdiction – TPSB not liable for the conduct of individual officers) – denied
Moffat v. Northampton Group, 2009 HRTO 1890	9 Nov. 2009	sex, ancestry, creed, reprisal	employment	to dismiss under s.45.1 – denied  to dismiss under 34(2) (delay) – deferred pending mediation
McElroy v. Metroland Media Group, 2009 HRTO 467	21 April 2009	disability	employment	to dismiss under s.45.1 – denied
Noel v. Frater, 2009 HRTO 1646	9 Oct. 2009	sex (pregnancy)	employment	to dismiss under s.45.1 – denied
Simard v. Nipissing Condominium Corporation No. 4, 2009 HRTO 1150	27 July 2009	family status	accommodation	to dismiss under 34(11) (civil claim) – denied
Sutton v. Jarvis Ryan Associates, 2009 HRTO 1072	20 July 2009	sex, sexual harassment	employment	to dismiss under s.45.1 – denied
Tsehay v. English District Lutheran Church – Missouri Synod, 2009 HRTO 1921	10 Nov. 2009	race, colour, ancestry, place of origin	goods, services or facilities	to dismiss under s.34(11) (civil claim) or s.18 – denied  [to defer – denied]

### C. OTHER INTERIM DECISIONS (incomplete list)

	decision date	ground(s)	social area	nature of request - result
Anderson v. Carleton Condominium Corporation #8, 2010 HRTO 1761	16 March 2010	disability	accommodation	interim remedy – granted

decisions received – by final, interim – April 1, 2009 to 30 March, 2010

	decision date	ground(s)	social area	nature of request - result
Arunachalam v. Best Buy Canada, 2010 HRTO 228	1 Feb. 2010	sex, place of origin, citizenship, ethnic origin, sexual harassment	employment	to add respondent - granted
BM v. Cambridge (City), 2009 HRTO 954	3 July 2009	disability	goods, services or facilities	to amend – denied to consolidate – denied to adjourn – denied to add witness – denied to anonymize - allowed
C.D. vs. Walmart, 2009 HRTO 801	9 June 2009	family status	employment	interim remedy – granted
C.D. vs. Walmart, 2010 HRTO 426	25 Feb. 2010	family status	employment	to anonymize - granted  for particularized witness statement – granted
Claybourn v. Toronto Police Services Board, 2009 HRTO 1863	3 Nov. 2009	race, colour, sexual orientation, age	goods, services or facilities	to add respondent & disclosure – granted
Czornodolskyj v. Bombardier, 2009 HRTO 2193	17 Dec. 2009	age	employment	to defer – granted
Durish v. Compass Group, 2009 HRTO 1081 & 2009 HRTO 1007	21 July 2009	disability, sex, harassment	employment	to remove corporate respondent – granted (and confirmed on reconsideration)
G.M. v. Ariss Place Residential Care and Treatment, 2009 HRTO 1729	21 Oct. 2009	disability	goods, services or facilities	removal of JM as litigation guardian to GM – deferred pending outcome of application for permanent Crown wardship of GM
Hoffmeyer v. Great Lakes Specialty Meats, 2010 HRTO 271	6 Feb. 2010	disability	employment	to add successor corporation as respondent – denied
Hoffmeyer v. Great Lakes Specialty Meats, 2010 HRTO 571	16 Mar. 2010	disability	employment	whether named respondents proper parties and required to respond – granted

	decision date	ground(s)	social area	nature of request - result
Howard v. Halton Condominium Corporation No. 59, 2009 HRTO 1385	1 Sept. 2009	age, family status, marital status	accommodation	interim remedy – denied
Howard v. Halton Condominium Corporation No. 59, 2009 HRTO 1919	10 Nov. 2009	age, family status, marital status, reprisal	accommodation	to defer (new facts) – granted
Howard v. Halton Condominium Corporation No. 59, 2009 HRTO 966	3 July 2009	age, family status, marital status, reprisal	accommodation	to defer – denied
Ivancicevic v. Ontario (Ministry of Government Services), 2009 HRTO 1000	8 July 2009	disability	goods, services or facilities	to join application with another (requested by R) – denied
Kelly v. CultureLink Settlement Services, 2010 HRTO 634	23 March 2010	disability	employment	for adjournment – refused
Knibbs v. Brant Artillery Gunners Club, 2009 HRTO 1419	8 Sept. 2009	A1 - disability, harassment, reprisal A2 – disability, sex, association	accommodation	to join application with another (requested by A) – granted  to amend application (add ground of reprisal) – granted  to remove personal respondents (requested by A) – granted
Laba v. Windsor City, 2009 HRTO 693	26 May 2009	sex (pregnancy), family status	employment	to defer – granted
Marchese v. Fortinos, 2009 HRTO 25	9 Jan. 2009	sex, harassment	employment	to add respondent - refused
Merner v. Greater Essex County District School Board, 2010 HRTO 194	27 Jan. 2010	disability	goods, services or facilities	interim remedy – denied  [to expedite – deferred pending mediation]  [to amend – granted]

decisions received – by final, interim – April 1, 2009 to 30 March, 2010

	decision date	ground(s)	social area	nature of request - result
Michael v. McArthur Properties, 2009 HRTO 683	26 May 2009	age, association	employment	to expedite – refused
Powell v. T.T.C., 2009 HRTO 1437	9 Sept. 2009	race	goods, services or facilities	to remove respondent w/ consent – granted
Robert v. 289900 Ontario Ltd., 2009 HRTO 653	20 May 2009	disability, family status	employment	to amend application - granted
S.K. v. Midway Invader Inc., et al. (HRTO File: 2008-00771-I)	29 Feb. 2009	age	employment	to anonymize – granted
Saadi v. Audmax, 2009 HRTO 1022	10 July 2009	race, colour, ancestry, place of origin, ethnic origin, disability, creed, sex	employment	for production – granted

decisions received – by final, interim – April 1, 2009 to 30 March, 2010

**HUMAN RIGHTS LEGAL SUPPORT CENTRE**

**FINANCIAL STATEMENTS**

**MARCH 31, 2010**

**Hilborn Ellis Grant LLP**  
Chartered Accountants  
Toronto, Ontario





**Hilborn Ellis Grant LLP**  
**Chartered Accountants**

## **Auditors' Report**

To the Director of  
**Human Rights Legal Support Centre**

We have audited the statement of financial position of **Human Rights Legal Support Centre** as at March 31, 2010 and the statements of operations, net assets and cash flows for the year then ended. These financial statements are the responsibility of the Centre's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, these financial statements present fairly, in all material respects, the financial position of the Centre as at March 31, 2010 and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

*Hilborn Ellis Grant LLP*

Toronto, Ontario  
August 20, 2010

Chartered Accountants  
Licensed Public Accountants

## HUMAN RIGHTS LEGAL SUPPORT CENTRE

### Statement of Financial Position

March 31	2010 \$	2009 \$
<b>ASSETS</b>		
Current assets		
Cash	693,076	207,579
Accounts receivable	32,517	2,061
Prepaid expenses	102,083	9,544
	827,676	219,184
Property and equipment (note 3)	540,042	-
	1,367,718	219,184
<b>LIABILITIES</b>		
Current liabilities		
Accounts payable and accrued liabilities	862,722	263,738
<b>NET ASSETS</b>	504,996	(44,554)
	1,367,718	219,184

Approved on behalf of the Board:

Director

*Raj*  
*Chair*

## HUMAN RIGHTS LEGAL SUPPORT CENTRE

### Statement of Operations

Year ended March 31	2010	2009 (note 8)
	\$	\$
Revenues		
Ministry of the Attorney General	5,632,400	3,149,100
Interest income	596	266
	<u>5,632,996</u>	<u>3,149,366</u>
Expenditures		
Salaries and wages	3,737,309	2,169,791
Employee benefits	684,327	411,532
Travel	45,924	1,456
Supplies and equipment	61,122	68,721
Board expenses	43,871	61,136
Communications	44,137	27,343
Province wide service delivery	152,953	90,746
Services	313,803	363,195
	<u>5,083,446</u>	<u>3,193,920</u>
Excess of revenues over expenditures (expenditures over revenues) for year	<u>549,550</u>	<u>(44,554)</u>

### Statement of Net Assets

Year ended March 31	2010	2009 (note 8)
	\$	\$
Net assets, beginning of year	(44,554)	-
Excess of revenues over expenditures (expenditures over revenues) for year	<u>549,550</u>	<u>(44,554)</u>
Net assets (deficit), end of year	<u>504,996</u>	<u>(44,554)</u>

## HUMAN RIGHTS LEGAL SUPPORT CENTRE

### Statement of Cash Flows

Year ended March 31	2010	2009
		(note 8)
	\$	\$
Cash flows from operating activities		
Excess of revenues over expenditures (expenditures over revenues) for year	549,550	(44,554)
Change in non-cash working capital items		
Increase in accounts receivable	(30,456)	(2,061)
Increase in prepaid expenses	(92,539)	(9,544)
Increase in accounts payable and accrued liabilities	598,984	263,738
	<u>1,025,539</u>	<u>207,579</u>
Cash flows from investing activities		
Purchase of property and equipment	(540,042)	-
Increase in cash	485,497	207,579
Cash, beginning of year	207,579	-
Cash, end of year	<u>693,076</u>	<u>207,579</u>

## **HUMAN RIGHTS LEGAL SUPPORT CENTRE**

### **Notes to Financial Statements**

March 31, 2010

#### **1. Nature of operations**

Human Rights Legal Support Centre ("Centre") was established December 20, 2006, as a corporation without share capital as a result of Royal Assent being granted to Section 45.11 of the Human Rights Code Amendment Act, 2006. The legislation took effect on June 30, 2008 and the Centre opened on that day.

The Centre is not a Crown agency, but is designated as an operational service agency and reports to the Ministry of the Attorney General ("MAG"). The Centre is independent from, but accountable to the Government of Ontario. Pursuant to a Memorandum of Understanding ("MOU") between the Centre and the Attorney General for the Province of Ontario the objects of the Centre are:

- (a) to establish and administer a cost-effective and efficient system for providing support services, including legal services, respecting applications to the Ontario Human Rights Tribunal under Part IV of the code; and
- (b) to establish policies and priorities for the provision of support services based on financial resources.

The Centre is a not-for-profit organization and as such is exempt from income taxes.

#### **2. Significant accounting policies**

##### **(a) Property and equipment**

Property and equipment are recorded at cost. The Centre provides for amortization using the straight-line method at rates designed to amortize the cost of the property and equipment over their estimated useful lives. The annual amortization rates are as follows:

Computer equipment	3 years straight line
Computer software	3 years straight line
Client tracking tool	5 years straight line

##### **(b) Revenue recognition**

The Centre receives revenue from the MAG. The amounts are recorded as revenue when received or receivable. All of the funds received are restricted as to use for purposes set out in the MOU.

## HUMAN RIGHTS LEGAL SUPPORT CENTRE

### Notes to Financial Statements (continued)

March 31, 2010

#### 2. Significant accounting policies (continued)

##### (c) Management estimates

The preparation of financial statements in conformity with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the reporting period. Actual results could differ from those estimates.

##### (d) Financial instruments

The financial assets and financial liabilities of the clinic are classified and measured as follows:

Financial Asset/Liability	Category	Measurement
Cash	Available for sale	Fair value
Accounts receivable	Loans and receivables	Amortized cost
Accounts payable and accrued liabilities	Other financial liabilities	Amortized cost

Financial instruments measured at amortized cost are initially recognized at fair value and then subsequently at amortized cost with gains and losses recognized in the statement of operations in the period in which the gain or loss occurs.

The fair value of a financial instrument is the estimated amount that the clinic would receive or pay to settle a financial asset or financial liability as at the reporting date.

The carrying amounts of cash, accounts receivable and accounts payable and accrued liabilities, approximate fair value due to the short-term nature of these financial instruments

#### 3. Property and equipment

	Cost \$	Accumulated Amortization \$	2010 Net \$	2009 Net \$
Computer equipment	150,815	-	150,815	-
Computer software	56,207	-	56,207	-
Client tracking tool	333,020	-	333,020	-
	540,042	-	540,042	-

## HUMAN RIGHTS LEGAL SUPPORT CENTRE

### Notes to Financial Statements (continued)

March 31, 2010

4. **Capital disclosures**

The Centre's objectives in managing its capital, which it defines as its net assets, are to maintain a sufficient level to provide for normal operating requirements on an ongoing basis and to continue its objects as disclosed in note 1. The Centre monitors its capital in order to ensure that it has sufficient revenue before committing to expenditures.

5. **Other information**

The Centre has been operating in premises provided by MAG. MAG has also provided the Centre with ongoing IT equipment, administrative and technical support. MAG has also incurred costs on behalf of the Centre that are not included in these financial statements.

6. **Grant revenue allocation**

The Centre has expended grant funds received as follows:

	2010 \$	2009 \$
Revenue - Ministry of Attorney General	5,632,400	3,149,100
Interest earned on funds received	594	266
Operating expenses	(5,083,445)	(3,193,920)
Purchase of property and equipment	(540,042)	-
	<u>9,507</u>	<u>(44,554)</u>

7. **Commitments**

The Centre has entered into commitments to lease various office equipment. Annual equipment lease payments as follows:

	\$
2011	12,788
2012	12,788
2013	12,788
2014	3,647
	<u>42,011</u>

## **HUMAN RIGHTS LEGAL SUPPORT CENTRE**

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### **Notes to Financial Statements (continued)**

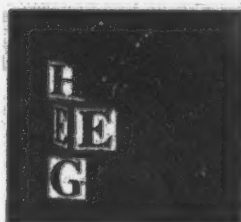
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March 31, 2010

**8. Comparative amounts**

The financial statements have been reclassified, where applicable, to conform to the presentation used in the current year. The changes do not affect prior year earnings.





*We give your business a hand to succeed.*

**Hilborn Ellis Grant LLP**  
Chartered Accountants  
*Since 1930*

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